

REMARKS

Rejection under 35 U.S.C §103

Rejection of claims 1-5, 7, 9-17

Claims 1-5, 7, 9-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,987,011 to Toh in view of U.S. Pat. No. 6,104,712 to Robert et al. The Applicant respectfully disagrees.

Rejection of claim 1

In section 2 of the Action, the Examiner acknowledges that "Toh does not specifically suggest the mobile entities are used to carry the message following a determination that its direction of travel is appropriate to progress the message on its way to the target receiver". Then, the Examiner states that Robert describes mobile entities carried by individuals, wherein "a GPS keeps track of the instantaneous position, and a local processor accesses this database to determine node-to-node paths to a destination". The Applicant respectfully submits that the Examiner fails to show that Robert discloses determining if the direction of travel of the mobile entities is appropriate to progress a message on its way to a target receiver.

However, in the interest of moving this application to issue, claim 1 has been clarified without prejudice to recite that "*at least one of the mobile entities is used to carry the message only following an immediately-prior determination that its direction of travel is appropriate to physically carry the message in a direction that progresses the message on its way to the target receiver*". The Application as filed supports this amendment, in particular figure 4 and the corresponding portion of the specification. No new matter has been added.

Robert discloses that the route taken by a message is determined in advance on the basis of a number of factors including node direction of travel, or trajectory, wherein "*the trajectory vector in combination with the current x, y and z coordinates, the predicted signal range and the time stamp are used to determine when migratory access nodes will be within range of each other to determine an end-to-end packet route from a network source to a*

network destination" (col.19 lines 45-50). The Applicant submits that Robert only discloses transmitting messages using an end-to-end route determined in advance, and fails to disclose or suggest using, as recited in amended claim 1, an "immediately-prior determination" that the direction of travel of a mobile entity is appropriate to progress a message or not.

Further, Robert discloses that routines in a node, or entity, "*effect capture of a payload message when the ID of the destination field in the packet matches the local ID, and otherwise effect automatic forwarding of information to a destination according to ID or address information contained in the information packet*" (column 2, lines 63-67). In Robert, a message is forwarded automatically by a node or entity if said node is not the destination of the message. Thus, Robert actually teaches away from forwarding a message to a node only if an immediately-prior determination indicates that the direction of travel of the node is appropriate to progress the message, as recited in claim 1.

The Applicant respectfully submits that Toh cannot be deemed to disclose or suggest that "*at least one of the mobile entities is used to carry the message only following an immediately-prior determination that its direction of travel is appropriate to physically carry the message*" as recited in claim 1, because Toh, as acknowledged by the Examiner, does not suggest using even a determination that the direction of travel of a mobile entity is appropriate.

The Applicant submits that in view of the above, claim 1 is patentable over Toh in view of Robert. Should the Examiner disagree, Applicant respectfully requests him to clearly and specifically point out where Toh or Robert disclose the above features, in accordance with 37 C.F.R. 1.104(c)(2).

Rejection of claims 2-5, 7 and 9-16

Claims 2-5, 7 and 9-16 depend directly or indirectly on claim 1. It has been submitted above that claim 1 is patentable over Toh in view of Robert. At least in view of their dependency, claims 2-5, 7 and 9-16 are patentable over Toh in view of Robert.

Rejection of claim 17

Claim 17 stands rejected for the same reason as discussed with regards to claim 1. The Applicant submits that the above discussion with regards to claim 1 also shows that neither Toh nor Robert disclose a method wherein a mobile entity is "*being used to carry the message only upon the entity being determined to be currently travelling in a direction appropriate to physically carry the message in a direction that progresses the message towards the target*" as recited in claim 17. The Applicant submits that claim 17 is patentable over Toh in view of Robert.

Rejection of claims 18, 20-21

Claims 18, 20-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Toh in view Robert and further in view of U.S. Pat. No. 6,104,712 to Stiller et al. The Applicant respectfully disagrees.

Rejection of claim 18

In section 3 of the Action, the Examiner alleges that Stiller teaches "a short range transceiver capable of determining the presence nearby of the mobile entity, a memory for holding the message". However, the Applicant respectfully submits that the Examiner fails to show that Stiller discloses a send control subsystem for enabling the passing of a message to a mobile entity "only upon determining that the current direction of travel of the mobile entity, as indicated by direction data received from the mobile entity, is appropriate to physically carry the message in a direction that progresses the message on its way to the target receiver" as recited in claim 18.

The above discussion with regards to claim 1 also shows that neither Toh nor Robert disclose a send control subsystem for enabling the passing of a message to a mobile entity "only upon determining that the current direction of travel of the mobile entity, as indicated by direction data received from the mobile entity, is appropriate to physically carry the message in a direction that progresses the message on its way to the target receiver" as recited in claim 18.

Hence, the Applicant submits that claim 18 is patentable over Toh in view Robert and further in view Stiller.

Rejection of claim 20

In section 3 of the Action, the Examiner states that Stiller teaches "a short range transceiver capable of determining the presence nearby of the mobile entity, a memory for holding the message". However, the Applicant respectfully submits that the Examiner fails to show that Stiller disclose "a receive control subsystem for enabling the storage for carriage of said message, only upon determining that the direction of travel of the mobile entity is appropriate to progress the message on its way to the target receiver as indicated by direction data received from the apparatus via the short-range subsystem" as recited in claim 20.

The above discussion with regards to claim 1 also shows that neither Toh nor Robert disclose "a receive control subsystem for enabling the storage for carriage of said message, only upon determining that the direction of travel of the mobile entity is appropriate to progress the message on its way to the target receiver as indicated by direction data received from the apparatus via the short-range subsystem" as recited in claim 20. Hence, the Applicant submits that claim 20 is patentable over Toh in view Robert and further in view Stiller.

Rejection of claim 21

In section 3 of the Action, the Examiner states that Stiller teaches "a short range transceiver capable of determining the presence nearby of the mobile entity, a memory for holding the message". However, the Applicant respectfully submits that the Examiner fails to show that Stiller disclose "a receive control subsystem for enabling the storage for carriage of said message, only upon determining that the current direction of travel of the mobile entity, is appropriate to physically carry the message in a direction that progresses the message on its way to the target receiver" as recited in claim 21.

The above discussion with regards to claim 1 also shows that neither Toh nor Robert disclose "a receive control subsystem for enabling the storage for carriage of said message, only upon determining that the current direction of travel of the mobile entity,

is appropriate to physically carry the message in a direction that progresses the message on its way to the target receiver" as recited in claim 21.

Hence, the Applicant submits that claim 21 is patentable over Toh in view Robert and further in view Stiller.

Allowable subject matter

Claims 6 and 8 depend indirectly from claim 1 and claim 19 depends directly from claim 18. The Applicant submits that claims 6, 8 and 19 are patentable over the cited references at least in view of their dependency.

Priority document

The Applicant notes that the Examiner did not, in section 12 of the Office Action Summary, acknowledge the claim for foreign priority of the present Application. The Applicant respectfully submits that a certified copy of the priority document has been sent on July 13, 2001 and received by the USPTO, as acknowledged by the USPTO on the postcard submitted by the Applicant, a copy of which is enclosed.

In view of the above, the Applicant submits that the application is now in condition for allowance and respectfully urges the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 6, 2005
(Date of Transmission)

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January 6, 2005
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